

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

REAL TIME SOCIAL :
INVENTIONS LLC, :
Plaintiff, :
v. : Civil Action No. 12-188-RGA
ROCKMELT, INC., :
Defendant. :

MEMORANDUM ORDER

Before the Court is a motion to dismiss for failure to state a claim. (D.I. 9).

Plaintiff's complaint raises only a claim of direct infringement of one patent. The patent is entitled, "Multi-User On-Line Real-Time Virtual Social Networks Based upon Communities of Interest for Entertainment, Information or E-Commerce Purposes." The independent claims are method (claims 1 & 17) and apparatus (22).

The allegations are sparse. No more is required. See *In re Bill of Lading Transmission and Processing System Patent Litigation*, 2012 WL 2044605, *7 (Fed. Cir. June 7, 2012) ("whether [a complaint] adequately pleads direct infringement is to be measured by the specificity required by Form 18.").¹

The defendant notes that early claim construction might flesh out whether there is any merit to this lawsuit. (D.I. 13, pp. 7-8). The Court will consider any such proposal at a Rule 16

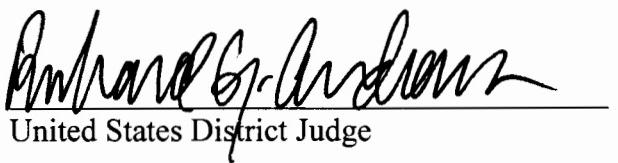
¹ The Federal Circuit further comments, "It will not always be true that a complaint which contains just enough information to satisfy a governing form will be sufficient under *Twombly....*" *Id.* at *7 n.6. Given the citations that follow in the footnote, I do not believe this is meant to be some sort of limitation on the holding in the text.

conference, after the defendant answers the Complaint

Thus, the Motion to Dismiss (D.I. 9) is **DENIED**.

June 29, 2012

Date



United States District Judge